



**US Army Corps  
of Engineers®**

Nashville District  
Memphis District

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# Public Notice

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Public Notice No. 03-69

Date: August 21, 2003

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Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214

or Memphis District Corps of Engineers, Regulatory Branch  
167 North Main Street, B-202, Memphis, TN 38103-1894

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**NASHVILLE AND MEMPHIS DISTRICTS**

**TENNESSEE VALLEY AUTHORITY**  
**STATE OF TENNESSEE**

**SUBJECT:** Proposed Tennessee Wetlands and Streams Mitigation Bank (TWSMB)

**TO ALL CONCERNED:** The proposed TSWMB as described below would provide a method for mitigating adverse impacts resulting from the alteration of Tennessee wetlands and streams from projects authorized by Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (CWA) and Tennessee Valley Authority (TVA) permits pursuant to Section 26a of the TVA Act. In addition to mitigation related to federal permit actions, the TWSMB would also provide a method for mitigating adverse impacts resulting from projects authorized by the Tennessee Department of Environment and Conservation (TDEC) Aquatic Resource Alteration Permits (ARAP) pursuant to the Tennessee Water Quality Control Act.

**BANK SPONSOR:** Safe Harbor Ecological Development  
508 Autumn Springs Court  
Franklin, Tennessee 37067

**DESCRIPTION OF PROPOSAL:** Safe Harbor Ecological Development (SHED) proposes to establish and develop a bank of wetland and stream mitigation credits for commercial sale by restoring, enhancing, creating, and/or preserving wetlands and streams, including stream channels, instream habitat, and adjacent riparian zones. Mitigation credits would be generated by carrying out these mitigative measures related to wetlands and streams throughout Tennessee and would be made available for purchase by private and governmental development entities. The credits would be purchased by such entities to fulfill compensatory mitigation requirements for various project-related wetland encroachments subject to the regulatory (permit) approvals addressed above.

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Policy guidance for obtaining approval and developing wetland and stream mitigation banks is contained in the Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks published in the November 28, 1995 Federal Register and Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water act and Section 10 of the Rivers and Harbors Act (which addresses Stream Mitigation Banks) as published in the November 7, 2000 Federal Register. A Mitigation Bank Review Team (MBRT), composed of agency representatives from the US Army Corps of Engineers, US Fish and Wildlife Service, US Environmental Protection Agency, Tennessee Department of Environment and Conservation, and Tennessee Wildlife Resources Agency is responsible to oversee procedural and technical aspects of bank approval, development, and operation. A Memorandum of Agreement (MOA) for the proposed bank must be prepared and approved by the heads of the agencies represented on the MBRT. SHED has submitted a proposed a state-wide umbrella MOA, which is currently being evaluated by the MBRT. The umbrella MOA sets requirements for financial assurances that proposed mitigation, monitoring, and perpetual protection of mitigation areas can be accomplished and sets rules for the implementation of mitigation at various mitigation sites and the generation of mitigation credits. Copies of all documentation related to the proposed MOA, including one detailed habitat assessment and mitigation plan and one conceptual restoration plan, are available for review in the US Army Corps of Engineers district offices.

The agencies represented on the MBRT are soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties to determine the overall effects on the public's interests. Written statements received in this office on or before September 22, 2003 will become part of the record and will be fully considered related to the MBRT agencies' decisions regarding approval or disapproval of the proposed bank. Any response to this notice should be directed to K. Wade Whittinghill, Nashville District, or Timothy L. Davis, Memphis District, at the above addresses. Mr. Whittinghill can be reached at (615) 369-7511 and Mr. Davis at (901) 544-0734 (See attached map for delineation of district boundaries).



